

Denver Law Review

Volume 3 | Issue 12

Article 2

August 2021

The November Meeting

Denver Bar Association Record

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

The November Meeting, 3 Denv. B.A. Rec. 3 (1926).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

man; John Campbell and Charles C. Butler, Justices of the Supreme Court; William L. Boatright, Attorney General; Henry W. Toll, Francis J. Knauss, F. E. Dickerson and Ira L. Quiat, State Senators; Edward C. King, Charles E. Works, James N. Sabin, Charles E. Kettering, and John F. Rotruck, Members of the State House of Representatives; and Clifford W. Mills, Regent of the State University.

Hon. Charles C. Butler, elected to the Supreme Bench, was President of the Denver Bar Association in 1925, and Henry W. Toll, re-elected to the State Senate, is now Second Vice President of the Association.

It is an imposing array and that the Bar is a factor to be reckoned with in Colorado is apparent.

Let us gird up our loins, like men, for the next election. Intelligent, constant educational work on the part of every loyal lawyer in Colorado and persistent publicity from now until November, 1928, will win justice for our patriotic, long-suffering and shamefully under-paid judiciary.

Our obligation and opportunity for public service are continuing and a Bar militant and aggressive can work wonders.

The November Meeting

WHEN it comes to travelogues, Burton Holmes has nothing on Judge Dunklee, and when it comes to humor, the Honorable Ben Hilliard will have to look to his laurels, after Mary Lathrop's description of the Canadian Bar Meeting, given at the luncheon on November first.

President Marsh first introduced Mr. Floyd Miles who, accompanied at the piano by Mr. Bryan Whitehead, gave two side-splitting recitations, the first in German dialect, "You can't float on every instrument in the band," and the second, in Swedish dialect, "Paul Revere's Ride." And this prelude of fun dissipated the solemnity of a somewhat gloomy day, putting the audience in a proper post-prandial mood to hear Judge Dunklee tell about Mussolini and Miss Lathrop describe the Canadian Bar Meeting.

Preamble from the President

It was Home Talent Day, President Marsh announced, and all of us would agree that our home talent

in the Denver Bar would compare favorably with that obtained anywhere. Digressing for a moment from the introduction of the speakers, he called attention to the analysis of proposed amendments made by the Legislative Committee in the current issue of the "Record" and expressed the hope that Amendment Number One, which had been recommended by the Committee, would be carried unanimously in the City and County of Denver.

The first speaker, he said, was a jurist who needed no introduction. Judge Dunklee had been a great student of the law and of government as well, and in his recent European travels had observed foreign governments at close range, particularly that of Mussolini in Italy, about which he would speak today.

Judge Dunklee Descants on Mussolini

He had left Denver June sixteenth, Judge Dunklee said, traveling through Scotland, England, Belgium, France, Switzerland, and Italy. He

would, however, only speak of Italy because his subject was Mussolini, and he would first sketch in a little background for the picture.

The first Italian city visited was Milan, the home of Mussolini, a beautiful city of over a million people, rich in historical associations, and here he had seen the house in which Mussolini had lived where his family still dwelt. From Milan, he went to Venice, passing through the historic city of Verona which interested him particularly because of its having been the scene of Shakespeare's play, "Romeo and Juliet."

After the cold of Scotland and Switzerland, getting into Italy, Judge Dunklee said, was like getting back home, for the climate there was very like our own except for the differences in elevation and nearness to the sea.

Fortified Mountain-tops

The forts, castles, and towns surmounting the hills throughout Italy were impressive, he said, and carried one back to the days of the feudal system, when barons and lords fortified the mountain tops and the peasants, who fought their battles for them, farmed the land below, retreating into the castles when driven off by invaders. These castles and fortified cities were standing now as they stood two thousand years ago.

Upon reaching Venice, the traveler felt on old familiar ground. Judge Dunklee said, because of the many pictures everyone had seen. Here was the one city having no automobiles, no street cars, and no horses. It was built on 176 islands, had 360 bridges, and had been the world's most important city in ancient times because it lay on the direct route to Damascus and the East. Built on the Adriatic for protection, it had

once had the richest merchants in the world and the greatest navy, he declared, and, as he gazed on the Rialto and the historic bridge, he thought of the "Merchant of Venice." The speaker then described alluringly the pleasures of a moonlight gondola trip on the Grand Canal to the accompaniment of enchanting Italian music and declared that on such an expedition, one might well carry himself back, in imagination, to the days of Julius Caesar.

Ancient Government in Venice

Venice, he said anciently had been governed by nobles who arrogated to themselves all the powers of the state and maintained themselves in office by murder and assassination. He referred to the Committee of One Hundred and to the Terrible Three, whose identity no one ever knew and before whom suspected persons were haled, without being informed of the charges against them, afterwards tortured, guillotined and their bodies thrown into the ocean. Once these poor people went over the Bridge of Sighs, that was the end of them.

Where Hannibal Fought

Judge Dunklee then described his visit to Lake Tasamanus where the great battle between Hannibal and the Romans had been fought and recalled how the elephants of the invaders, like modern tanks, had charged the Romans and struck terror to their hearts. Going over the Appenines, he had looked up from the defiles upon the castles where the Romans, under Fabius, had taken refuge from Hannibal, and described how, when the Fabian policy seemed to be winning out, Hannibal had frightened the Romans out of their retreats by driving against them a thousand oxen with lighted torches bound to their horns. Fabius, he said, finally had come out when

Hannibal's forces neared Rome and had taken poison to avoid capture.

Saw Vesuvius in Action

Visiting Naples, he had seen Vesuvius in eruption and recalled that it had been here that Dante had written the Inferno and had conceived the idea of hell. From Naples he looked down upon the ancient city of Herculaneum, now being excavated, and had seen the ruins of ancient Pompeii. From Naples, he had gone to Rome and had seen here the Forum and other ancient places of interest including the spot where the coffin of Julius Caesar rested while Mark Anthony delivered the famous oration.

Sees Mussolini

Through the American Consul, he said, he had received an invitation to the reception given by Mussolini to Signor Noble on his return from the successful Norge expedition to the North Pole. On this occasion everything had been arranged with military precision. He described vividly the martial display, the bands, the guards, the aeroplanes and Zeppelins whirring overhead, and, finally, Mussolini himself. He saw the dictator standing on a balcony addressing the crowd, and heard every word he said. He was a man, Judge Dunklee said, about forty-five years of age, wore a black suit, looked much like Napoleon, was full of energy and action, and altogether fulfilled the expectations of the traveler.

Mussolini's Government

Government in Italy, under Mussolini, according to Judge Dunklee, is reminiscent of the feudal system from which Italy had never got away in the sense that other nations had. There was a great gulf there between the few lords owning estates and the mass of mankind and he had not seen a single school-

house in Italy resembling the American schoolhouse. He ventured the opinion that there was no land on earth, not excepting Mexico, where the masses had been kept in ignorance as they had been in Italy. In Naples, he had seen naked men working like slaves, young women toiling with packs on their backs and burdens on their heads, and little children carrying dirt on their backs in road-grading work. There was no place, he declared, where the masses were so poor as they were in Italy today.

Mussolini Compared to Julius Caesar

Mussolini, he said, had been compared to Julius Caesar but was unlike him in that Caesar had sympathized with the masses and had liberalized the Senate which, frightened by his strength, had finally assassinated him. After Caesar, had come Garibaldi who had helped the masses and established popular election. Mussolini, however, according to Judge Dunklee, was a reactionary and had undone all the good that Garibaldi had accomplished for Italy. The red shirt of Garibaldi had stood for liberty for the people while the black shirt of Mussolini stood for oppression. The speaker then read some extracts from a recent speech of Mussolini's in which he had referred to "the new aristocracy" and the "bayonets of the Fascisti as representing the government and the whole Italian people."

Summing Up

Summing up his case against Mussolini, Judge Dunklee charged that Mussolini's army was raised to keep the men, women and children in subjection, and that, tested by our own governmental ideas, Mussolini had violated every principle of liberty, had done away with elections, and had constituted himself dictator as

to every proposition. Finally, Judge Dunklee called upon the spirit of Patrick Henry and quoted the famous passage ending with, "as for me, give me Liberty or give me death." He also called on the spirit of Abraham Lincoln and quoting from the Gettysburg address, prayed that "government of the people, for the people, and by the people shall not perish from the earth." Mussolini, he said, was leading the most reactionary government and assuming the most arbitrary power ever exerted over any people. In conclusion, he read a poem written by a traveler, which, he declared, expressed his own feeling and concluded with the words, "When it comes to living, there's no place like home."

President Presents Portia

Following Judge Dunklee's remarks, President Marsh commented that the Judge had shown himself not only interesting as a jurist but equally interesting as a student of government. And when he had referred to Shakespeare's "Merchant of Venice," Mr. Marsh said that he thought of Portia and how she had induced old Shylock to utter: "He takes my house who takes the prop that sustains my house; he takes my life who takes the means whereby I live." It was with pleasure and pride, he said, that he introduced to the meeting the Portia of the Colorado Bar, Miss Mary Lathrop, who had been signally honored by being invited, with Governor Whitman of New York, to attend the recent meeting of the Canadian Bar Association as an official representative of the American Bar.

Miss Lathrop at the Bar

Those who missed hearing our own Portia missed a treat. She spoke modestly of her experiences at the Canadian Bar meeting and

with a scintillating rapid-fire humor which no mere long-hand reporter could hope to catch and record. Mr. Marsh's Portia compliments, she declared, were about thirty-five years too late. At the Canadian Bar meeting, she said, Sir James Aiken had presented all of the official guests most gracefully but the eminent Sir Knight who was to introduce her had been busy electioneering and so, in the confusion of the moment, had presented her as "Mrs. Mary F. Lathrop," going on to say that she had been the first woman to be admitted to the American Bar. Consequently, Miss Lathrop said, she felt it necessary to introduce herself and so she explained that among her degrees she did not number that of M.R.S. and that the first woman in the American Bar had been admitted in 1872 which made her out somewhat older than she wished to be considered.

Britishers and the Bible

According to Miss Lathrop, the Britishers quote scripture most effectively and endlessly. Governor Whitman, imbued with this idea also, had delivered a regular sermon and so, she said, she herself decided to give a "home and mother" talk which proved so effective that everybody wept all over the place and the man who followed her in speaking was so impressed by it that he had declared that "nobody but a mother could have made a speech like that." Miss Lathrop declared that, despite that remark, she wanted it distinctly understood that she was still "a decent old maid" and would call on all of us as character witnesses in her behalf. In this connection, it should be noted that, while it is the custom in the Canadian Bar meetings never to give a vote of thanks, when Miss Lathrop addressed them, Sir James Aiken called on the au-

dience to rise by way of appreciation of Miss Lathrop's talk, which they did, thus breaking a long-established precedent out of tribute to a Denver lawyer.

Peaches on the Platform

Getting off the train at St. Johns, New Brunswick, where the meeting was held, Miss Lathrop said that the first thing which caught her eye was a great lot of Palisade (Colorado) peaches stacked up in crates on the platform. Asking the station agent if they were not Colorado peaches, he replied that they were and that they were the best in the world. Thus it is demonstrated that peaches are often not without honor save in their own country and among their own people.

In Dead Earnest

Up there, Miss Lathrop said, everyone attending the meeting was in dead earnest and the social side of the occasion was slight and merely incidental to the serious work. She met Lord Darling, Lord Advocate MacMillan of Scotland, the Vice President of the Paris Bar, and the official representative of the British West Indies. These men and the Britishers generally had "lots of fun out of their law," she declared. They didn't read papers but delivered learned addresses and she had never heard so much law in her life as she heard there.

The President Unobtrusive

Sir James Aiken, president of the Canadian Bar, was, she said, a most unobtrusive man, notwithstanding the fact that it was he who had started the Canadian Bar Association with a personal gift of fifty thousand dollars and had been its president for thirteen consecutive terms. In his thirteenth annual address, she said, he was quoting at

length about the barons, under Alfred, wresting power from the people when he suddenly stopped short, and when Lord Darling talked later it developed that Alfred had hanged his ancestor for this offense, though he was vindicated afterwards, and this had accounted for Sir James' considerate checking of his remarks about Alfred's barons, which illustrated the courtesy of the Britishers.

A Deluge of Judges

There were more judges in attendance at the meeting, Miss Lathrop said, than she had ever seen before, at one time, in her whole life. Three hundred and fifty, of the four hundred and fifty delegates in attendance, were judges. There was prohibition in New Brunswick, she said, and it was enforced. No liquor was anywhere in evidence at the meeting nor was there anything more stimulating to be had than ginger ale. Lord Darling, she said, had introduced his remarks with, "How can a man speak on ginger beer?" and he had brought down the house by his reference to the American visit in 1924. He had said that Americans were peculiar people; they said that Bacon wrote Shakespeare and that the English and Scotch had no sense of humour, and yet when a few of them were invited to come to London, they all came. Miss Lathrop explained that a mistake has in fact been made concerning the London meeting, for, while a thousand were invited, twenty-five hundred attended the meeting. Lord Darling had told her privately that there was no possibility of English lawyers coming over here for a return trip because England had not yet recovered from the effect of the strike and they were much too poor to undertake it now.

Big Knights

The Knights in Canada, Miss Lathrop said, were all men over six feet tall and they "had as many degrees as a thermometer." Lawyers there, she declared, were pronouncedly a caste of themselves and the thing that got most applause in the meeting was the reference to the fact that the law was a profession and not a business. Apropos of this attitude, Miss Lathrop told of many entertaining episodes and some, from our American point of view, rather snobbish remarks about trade and tradesmen.

Things We Might Well Imitate

She wished, Miss Lathrop said, that we might imitate the scholarship of the British lawyers and their respect for their judges. It puts the Bar on its mettle. Sir James Aiken had asked her to say to the American Bar Association that he thought they were making great mistakes in stressing so strongly the crime situation in the United States which he felt would only aggravate the condition, and this message Miss Lathrop left with us in concluding her most entertaining address. As President Marsh remarked in adjourning the meeting for the benefit of those who had missed hearing Miss Lathrop and Judge Dunklee, "it was just too bad for them, that was all."

—J. C. S.

The Bar Library

The Librarian of The Denver Bar Association Library in the County Court House advises us that many attorneys are careless in handling the books of the Library and do not comply with the rules and regulations for borrowing them. The Library rules provide that no books shall be taken

out without being charged to the attorney taking them, and that they shall not be kept out for over twenty-four hours, and that they shall not be removed from the County Court House Building.

At the present time, Volumes 16 and 38 of Corpus Juris are missing, and every member of this Association is requested to assist in locating these two Volumes.

Going Pretty Strong

A local company ran the following advertisement in a Denver newspaper:

LET US CLOSE YOUR DEAL

If you plan to sell, or wish to purchase property, and desire Title Insurance protection, give us the terms of the option, written or verbal—
—*and you need go to no one else.*

We attend to every detail necessary in any transfer, and there is no charge *outside of the regular legal fees* and the usual cost of Title Insurance—only a few dollars a year on the average home.

With our profession ethical canons in mind, as to the impropriety of lawyers' soliciting business, the Record feels that this sort of thing is going pretty far in the wrong direction.

Ante; Also Post?

"...Ante-mortem statements of deceased are admissible in evidence."—Syllabus at 78 Colo. 178.

Quaere—Are post-mortem statements of deceased admissible too?

—(Contributed)